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12 Attorneys for Plaintiff,  
13 John Pelot

14 UNITED STATES DISTRICT COURT  
15 SOUTHERN DISTRICT OF CALIFORNIA

16 John Pelot,

17 Plaintiff,

18 vs.  
19

20 ARS National Services, Inc.; and DOES 1-  
21 10, inclusive,

22 Defendants.  
23

Case No.: '14CV1779 JAH RBB

**COMPLAINT FOR DAMAGES**

**1. VIOLATION OF FAIR DEBT  
COLLECTION PRACTICES ACT,  
15 U.S.C. § 1692 *ET. SEQ*;**

**JURY TRIAL DEMANDED**

1 For this Complaint, Plaintiff, John Pelot, by undersigned counsel, states as  
2 follows:  
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair Debt  
6 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA") in their illegal efforts  
7 to collect a consumer debt.  
8

9 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.

10 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that  
11 Defendants transact business here and a substantial portion of the acts giving rise to  
12 this action occurred here.  
13

14 **PARTIES**

15 4. Plaintiff, John Pelot (hereafter "Plaintiff"), is an adult individual residing  
16 in Leesburg, Florida, and is a "consumer" as the term is defined by 15 U.S.C. §  
17 1692a(3).  
18

19 5. Defendant, ARS National Services, Inc. (hereafter "ARS"), is a company  
20 with an address of , 960 South Andreasen Drive, Suite B, Escondido, California  
21 92029, operating as a collection agency, and is a "debt collector" as the term is  
22 defined by 15 U.S.C. § 1692a(6).  
23  
24

25 6. Does 1-10 (the "Collectors") are individual collectors employed by ARS  
26 and whose identities are currently unknown to the Plaintiff. One or more of the  
27  
28

1 Collectors may be joined as parties once their identities are disclosed through  
2 discovery.

3  
4 7. ARS at all times acted by and through one or more of the Collectors.

5 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

6 **A. The Debt**

7  
8 8. A person other than Plaintiff (the “Debtor”) allegedly incurred a financial  
9 obligation (the “Debt”) to an original creditor (the “Creditor”).

10 9. Plaintiff is not the Debtor, does not know the Debtor, and is in no way  
11 responsible for repayment of the Debt.

12  
13 10. The Debt arose from services provided by the Creditor which were  
14 primarily for family, personal or household purposes and which meets the definition  
15 of a “debt” under 15 U.S.C. § 1692a(5).

16  
17 11. The Debt was purchased, assigned or transferred to ARS for collection,  
18 or ARS was employed by the Creditor to collect the Debt.

19  
20 12. ARS attempted to collect the Debt and, as such, engaged in  
21 “communications” as defined in 15 U.S.C. § 1692a(2).

22 **B. ARS Engages in Harassment and Abusive Tactics**

23  
24 13. Within the last year, ARS began calling Plaintiff on his residential  
25 telephone [352-323-XXXX] in an attempt to collect the Debt.



1           20. The Defendants caused a phone to ring repeatedly and engaged the  
2 Plaintiff in telephone conversations, with the intent to annoy and harass, in violation  
3 of 15 U.S.C. § 1692d(5).  
4

5           21. Defendants used an unfair and unconscionable means to collect the debt,  
6 in violation of 15 U.S.C. § 1692f.  
7

8           22. The foregoing acts and omissions of Defendants constitute numerous and  
9 multiple violations of the FDCPA, including every one of the above-cited provisions.  
10

11           23. Plaintiff is entitled to damages as a result of the Defendants' violations.

12                                   **PRAYER FOR RELIEF**

13           WHEREFORE, the Plaintiff prays that judgment be entered against the  
14 Defendants as follows:

15                           A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the  
16

17                                   Defendants;

18                           B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A)  
19

20                                   against the Defendants;

21                           C. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C.  
22

23                                   § 1692k(a)(3) against the Defendants; and

24                           D. Such other and further relief as may be just and proper.

25                                   **TRIAL BY JURY DEMANDED ON ALL COUNTS**  
26  
27  
28

1 DATED: July 29, 2014

TRINETTE G. KENT

2 By: /s/ Trinette G. Kent

3 Trinette G. Kent, Esq.

4 Lemberg Law, LLC

5 Attorney for Plaintiff, John Pelot

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